

REMARKS/ARGUMENTS

In the election of species requirement dated January 28, 2008, the Examiner required the election of a single species.

Accordingly, Applicants elect without traverse "plywood board" with Claims 1-3 and 14 reading on the elected species.

Applicants request that should the elected species be found allowable, the Examiner expand the search to include non-elected species.

Divisional applications filed thereafter claiming the non-elected species should not be subject to a double patenting ground of rejection 35 U.S.C. §121, *In re Joyce* (Commr. Pat. 1957) 115 USPQ 412.

The Examiner alleges that the species recited in the specification are patentably distinct, however, the burden of proof is on the Office to provide reasons and/or examples to support any conclusions with regard to patentable distinction M.P.E.P. §803.

The Office has failed to meet the burden necessary to sustain the election of species requirement, and the Office has not shown that a burden exists in searching all of the species.

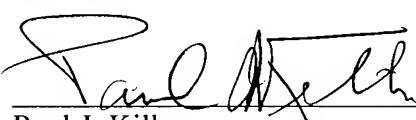
Applicants make no statement regarding the patentable distinctness of the species, but note that for the election to be proper, there must be patentable differences between the species as claimed (M.P.E.P. §808.01(a)).

Applicants' election is for examination purposes only.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.

Norman F. Oblon

  
Paul J. Killos  
Registration No. 58,014

Customer Number

22850

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
(OSMMN 08/07)